

**MORRISON FOERSTER**

425 MARKET STREET  
SAN FRANCISCO  
CALIFORNIA 94105-2482

TELEPHONE: 415.268.7000  
FACSIMILE: 415.268.7522

WWW.MOFO.COM

MORRISON FOERSTER LLP

AUSTIN, BEIJING, BERLIN, BOSTON,  
BRUSSELS, DENVER, HONG KONG,  
LONDON, LOS ANGELES, MIAMI,  
NEW YORK, PALO ALTO, SAN DIEGO,  
SAN FRANCISCO, SHANGHAI, SINGAPORE,  
TOKYO, WASHINGTON, D.C.

## MEMO ENDORSED, p. 3

January 10, 2024

Writer's Direct Contact

+1 (415) 268-6066

JGratz@mofo.com

Via ECF

Hon. Sidney H. Stein  
United States District Court for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Authors Guild, et al. v. OpenAI, Inc.*, et al. No. 23-cv-8292-SHS  
*Jonathan Alter, et al. v. OpenAI, Inc.*, et al. No. 23-cv-10211-SHS<sup>1</sup>

Your Honor:

This office, with Latham & Watkins LLP, represents Defendants OpenAI, Inc., OpenAI GP, LLC, OpenAI, LLC, OpenAI OpCo LLC, OpenAI Global LLC, OAI Corporation, LLC, and OpenAI Holdings, LLC (collectively, "OpenAI") in the above actions.

I write on behalf of all parties to request an extension until January 26, 2024, of the following deadlines, pursuant to Paragraph 1(E) of Your Honor's Individual Practices.

- The last day for defendants to answer or move in response to the amended complaint in *Authors Guild v. OpenAI, Inc.*, 23-cv-8292-SHS, is currently January 12, 2024.
- The last day for defendants to answer or move in response to the amended complaint in *Alter v. OpenAI, Inc.*, 23-cv-10211-SHS, is currently January 12, 2024.
- The last day for the parties to file their positions on which should proceed first, summary judgment or class certification, is currently January 12, 2024.

This extension would affect the briefing schedule on any motion(s) filed in response to amended complaints in the *Authors Guild* and *Alter* cases as follows:

---

<sup>1</sup> This case was formerly captioned *Sancton, et al. v. OpenAI, Inc., et al.* See No. 23-cv-10211 (Dkt. 1, 26).

**MORRISON FOERSTER**

Hon. Sidney H. Stein  
 January 10, 2024  
 Page Two

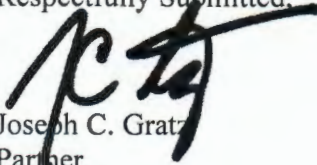
	Current Deadline	Proposed Deadline
Last Day for Defendants to Answer or Move In Response to Amended Complaints	Jan. 12, 2024	Jan. 26, 2024
Last Day for Parties to File Their Positions on Which Should Proceed First, Summary Judgment or Class Certification	Jan. 12, 2024	Jan. 26, 2024
Last Day for Plaintiffs to Respond to Any Motion In Response to the Amended Complaints	Jan. 26, 2024	Feb. 9, 2024
Last Day for Defendants to File a Reply to any Motion In Response to the Amended Complaints	Feb. 2, 2024	Feb. 16, 2024

There have been no previous requests for adjournment or extension of the above dates. Counsel for Plaintiffs Authors Guild, et al., counsel for Plaintiffs Jonathan Alter, et al. (collectively, "Plaintiffs"), and counsel for Defendant Microsoft Corporation all consent to this request for an extension of the above deadlines to January 26, 2024. The parties request this extension in light of ongoing efforts to reach an agreement that would narrow or eliminate the issues to be decided by the Court. The parties have agreed that discovery will continue to proceed, and no party will use these extensions as a basis to resist or delay responding to discovery requests.

**MORRISON FOERSTER**

Hon. Sidney H. Stein  
January 10, 2024  
Page Three

Respectfully Submitted,

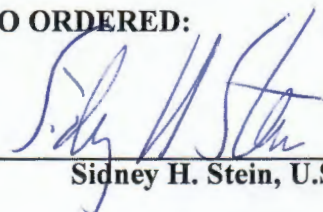
  
Joseph C. Gratz  
Partner

cc: Andrew Gass, Esq. (via email)  
Annette Hurst, Esq. (via email)  
Rohit D. Nath, Esq. (via email)  
Rachel Geman, Esq. (via email)

**The requested extension of deadlines as set forth above is granted.**

**Dated: New York, New York  
January 11, 2024**

**SO ORDERED:**

  
\_\_\_\_\_  
Sidney H. Stein, U.S.D.J.